



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

July 21, 2009

Flash Drive	File #1002
Minute Orders	M09-165 through M09-174
Resolutions	R09-47 Not Used
Ordinance	Ord09-02 Not Used

9:00 AM

Meeting Called to Order by Chairman Reid

Pledge of Allegiance led by Supervisor Hunt

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Except as noted below, reports were deferred.

Supervisor Bauer:

1. Update regarding the State budget: Counties with a population under 100,000 may be exempt from the taking of 1A and HUTA.

Supervisor Hazard:

1. The issue pertaining to uranium in Chalfant's water is being addressed. Residents are encouraged to test their water and share the results with the County. Also, the water in certain wells in Crowley Lake contains uranium, but many of these issues have been addressed.

COUNTY ADMINISTRATIVE OFFICE

1)

CAO Report regarding Board Assignments (David Wilbrecht)

Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht:

Except as noted below, the report was deferred.

1. Received an email from Mike Schlaffmann (Forest Service) regarding the designation of Highway 120 as a scenic highway. Two people from Mono County have been invited to attend a planning conference—one person to represent the County and one person to represent the community. Chairman Reid: Suggested Supervisor Bauer

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may want to attend since she has worked with transportation and gateway issues.

2) APPROVAL OF MINUTES

M09-165 Approve minutes of the Regular Meeting held July 7, 2009.
Hazard/Hunt, 5-0

Closed Session: 9:03 a.m.
Break: 9:48 a.m.
Reconvened: 10:00 a.m.
Break: 11:20 a.m.
Reconvened: 11:28 a.m.
Break for Lunch: 12:20 p.m.
Reconvened: 1:22 p.m.
Adjourned: 4:14 p.m.

CLOSED SESSION

Nothing to report from closed session.

COUNTY COUNSEL

- 3a) Closed Session - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: Americans For Safe Access demand for implementation of medical marijuana identification card program.
- 3b) Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APN 3501063. Agency negotiators: Dave Wilbrecht, Marshall Rudolph, and Brian Muir. Negotiating parties: Mono County and the Town of Mammoth Lakes. Under negotiation: price and terms of payment.
- 3c) Conference with real property negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Properties: APNs 0237002 and 0236128: Agency negotiators: Dave Wilbrecht, Marshall Rudolph, Brian Muir, and Mark Mikulicich. Negotiating parties: Antelope Valley Fire Protection District and Mono County. Under negotiation: price and terms of payment.

PUBLIC WORKS

- 4a) Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Stock Drive, Bridgeport, California (APN: 08-111-12). Agency negotiators: Kelly Garcia, Dave Wilbrecht, Marshall Rudolph, and Brian Muir. Negotiating parties: Mono County and Jean D. Adams. Under negotiation: price and terms of payment.

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- 4b) Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Court Street, Bridgeport, California (APN: 08-111-13). Agency negotiators: Kelly Garcia, Dave Wilbrecht, Marshall Rudolph, and Brian Muir. Negotiating parties: Mono County and Stephen J. Craig. Under negotiation: price and terms of payment.
- 4c) Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Hwy 182, Bridgeport, California (APN: 08-112-05). Agency negotiators: Kelly Garcia, Dave Wilbrecht, Marshall Rudolph, and Brian Muir. Negotiating parties: Mono County and Linda A. Pemberton. Under negotiation: price and terms of payment.

DEPARTMENT REPORTS/EMERGING ISSUES

Garrett Higerd: Update about Swall Meadows streets and rehabilitation project. Federal funding has been acquired for this project and a project in Paradise. Swall Meadows will require additional environment studies, so the project will be delayed. The road portion of the project will be put out to bid in the spring, along with the Paradise project.

Lynda Roberts: Provided an update about the number of documents recorded pertaining to foreclosures. Roberts compared January-June 2008 with January-June 2009.

Ed Zylman: Provided information about the State budget and social services; it is likely that the impact will be minimal for Mono County. Cuts to the in-home supportive services program will only impact about five families. Cuts to Calworks will affect families but the County has a small case load; cuts won't impact administration. The preliminary budget for the Area Agency on Aging is \$213,000; Zylman did not know if there would be additional cuts.

Mary Booher: Mammoth Lakes Housing has asked about working with the County on a grant application to fund a homebuyer assistance program. If the Board is interested, Booher will agendaize this item for further discussion. The Board agreed.

David Wilbrecht: Presented two plaques received from the Bridgeport Chamber of Commerce and the July 4th Committee acknowledging the County's support. One plaque was awarded to Public Works and the second plaque was awarded to the Board of Supervisors.

Jon Drozd: Environmental Health, Small Waters System Coordinator, talked about uranium in Chalfant's water. The County does not regulate private wells, but is providing education through direct mailings. Information includes a list of laboratories where people can send samples for testing, provides information about health impacts, and specifies treatment options. The information will be sent to the entire Tri-Valley area. The County will not assume any costs associated with testing private wells, but will test for uranium in County-operated systems. People are encouraged to share information about the results of their tests in order to better educate people.

Kelly Garcia: 1) Due to fires in northern Inyo County, BLM set up a fire-suppression base at the Bryant Field airport and the Forest Service brought in additional helicopters, which caused a small amount of damage. Garcia is working with the Forest Service to resolve the problem. 2) Public Works received proposals to install landscaping at the Lee Vining and Crowley Lake Community Centers. The contract will be awarded after it is reviewed by County Counsel.

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CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

MENTAL HEALTH, **Additional Departments:** County Counsel

- 5a) Letter to State re Untimely Receipt of Contract - Proposed letter to the State Department of Mental Health regarding the County's untimely receipt of state hospital access contract.

M09-166 Action: Approve and authorize the Board Chair to sign the letter.
Hunt/Farnetti, 5-0

CLERK OF THE BOARD

- 6a) Reappointment of Rose Murray to the Assessment Appeals Board - Rose Murray's three-year term on the Assessment Appeals Board is due to expire 9/1/09. She has agreed to serve another three-year term.

M09-167 Action: Approve reappointment of Rose Murray as chair and member to the Assessment Appeals Board.
Hunt/Farnetti, 5-0

PUBLIC WORKS

- 7a) Purchase of Snow Plow Blades - Request from Public Works to purchase Henke snow plow blades to be mounted on its two new 2010 International 6x6 dump trucks with sander spreader.

M09-168 Action: Authorize the Public Works Director to prepare bid specifications, solicit bids, and purchase two new Henke snow plow blades.
Hunt/Farnetti, 5-0

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 8a) Chamber Music Unbound - Letter from Brian Schuldt, Executive Director, thanking the County of Mono for its \$10,000 contribution to CMU music education and performance programs in 2008.

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- 8b) Lee Vining Fire Protection District - Letter from Thomas Clark resigning from the Lee Vining Fire Protection District, effective immediately.
- 8c) June Lake Community - Letter from Robert Foster regarding the economic viability of June Lake and June Mountain, and how it relates to a provision allowing for the rental of private residences in June Lake.

#8a: Supervisor Hunt has been attending the festival, and the music is incredible. The Eastern Sierra should be proud.

The Board acknowledged receipt of the correspondence.

MENTAL HEALTH, **Additional Departments:** IT, Finance

- 9a) Contract for Electronic Billing and Electronic Health Records (**Ann Gimpel, Ph.D.**) - Consider and potentially approve County entry into a proposed contract with the ECHO Group pertaining to electronic billing and electronic health records, and authorize the Board Chair to execute said contract on behalf of the County. Receive staff report. Provide any desired direction to staff.

M09-169 Action: Approve County entry into contract with the ECHO Group pertaining to electronic billing and electronic health records. Authorize the Board Chair to sign said contract on behalf of the County.
Hunt/Hazard, 5-0

Ann Gimpel: Outlined information contained in the Board report.

- Mono County has been part of a 9-county group for at least 8 years; the group was formed for the purpose of having clout when purchasing a new billing system.
- Mono County had ECHO for many years, but changed when they received information that the system would become obsolete.
- Many thousands of dollars have been paid for the new system, but problems have not been solved. The company failed to provide adequate training and billings are not timely.
- Mental Health went out to bid and the ECHO system presents the best option, including a monetary savings; Echo is accepted by the State. However, leaving the JPA will mean the County leaves its contributions with the group.

David Wilbrecht: Gimpel has been keeping Wilbrecht informed about this issue and has been working diligently to get outstanding billings returned to the County. The current system is getting more expensive and is not providing the necessary capacity.

Brian Muir: The County has to have a billing system for Mental Health, and there are only three options in the market. The options are not perfect, but ECHO seems to be the best one available and has a better record. The County will save money. It may be appropriate for County Counsel to explore recovering some money from the JPA.

Board Members supported the change and asked staff to pursue every possible avenue to get reimbursed for a system that did not work. Gimpel: Will continue to pursue reimbursement for the late claims.

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HUMAN RESOURCES

- 10a) Restoration of Sick Leave Credits (**Robert Garret**) - Receive presentation by Robert Garret regarding possible approval of Sick Leave Accrual for two Inyo County Employees transferred to Mono County.

M09-170 Action: Restore 50% of sick leave accrual for the Site Coordinator and the Cook/Driver; give the Cook 40 hours of sick leave.
Farnetti/Hazard, 5-0

Bob Garret: Earlier this year, two employees lost sick leave when their employment with IMAAA was transferred from Inyo County to Mono County. These are hard-working employees who do not abuse sick leave. The request before the Board is to consider restoring sick leave to these employees. The County is not obligated to restore the sick leave and there is no policy about assuming sick leave in situations like this. Garret will be obligated to inform Local 39.

Ed Zylman: Asked the Board to also consider restoring sick leave to the full-time cook, who was considered a temporary employee with Inyo County even though she was working full time for quite a while. While working for Inyo County, the three employees were benefiting the community of Walker. The cost of the sick leave can be covered by Mono County's funding allocation.

Board Members agreed that as a matter of fairness, the County should restore sick leave.

Brian Muir: Asked the Board to allow him as the Finance Director to recover what he can from IMAAA; the Board agreed.

PUBLIC WORKS

- 11a) Construction Management Services for Lee Vining Airport Runway Reconstruction (**Kelly Garcia**) - Receive staff report regarding the proposed addition of Task 4 to the existing contract with PBS&J pertaining to Construction Management for the Lee Vining Airport Runway Reconstruction project. Consider and potentially authorize the Public Works Director to execute said task on behalf of the County.

M09-171 Action: Authorize the Public Works Director to execute and administer a fourth task to the existing consulting agreement with PBS&J for Construction Management Services associated with the Lee Vining Airport Runway Reconstruction project.
Hunt/Bauer, 5-0

Kelly Garcia: Asked the Board to give authority to the Public Works Director to include a fourth task in the airport engineering contract; the task would be for construction management services for the upcoming improvements at the Lee Vining airport. Public Works is still waiting for the FAA grant; the State match may not be available, but the airport enterprise fund has sufficient money to cover it.

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Additional Departments: Sheriff's Office

- 11b) Options for Roof Replacement at Sheriff's Office and Jail Facility (**Evan Nikirk or Kelly Garcia**) - Receive staff report regarding design options for the proposed roof replacement project at the Mono County Sheriff's Office and Jail Facility. Consider and potentially select roof design option. Provide any desired direction to staff.

M09-172 Action: Approve Option 3, Membrane on Both Buildings, at an estimated cost of \$471,000.

Bauer/Hazard, 5-0

Evan Nikirk: After the Board's approval of roof improvements on July 7th, the Building Official found an error in the architect's plans, so this project is back before the Board to discuss options.

Pete Mokler, architect, outlined various options, the costs of which would range from about mid \$400,000 to mid \$700,000 depending on whether or not the Board approves a sloped roof. The least expensive option would be laying a resilient membrane over the flat roof; the membrane has worked successfully in snow environments, specifically in Mammoth Lakes. Also, a white membrane will help reduce energy consumption. The current roof has been patched numerous times and is at the end of its useful life.

Board Members wanted to be sure the improvement would solve the water problems in the dispatch area.

Rick McManis: Supported using the membrane roof and said the project should go through the State Fire Marshall's approval process faster than a sloped roof.

Sheriff Scholl: Employees like the aesthetic look of the sloped roof, but ultimately the goal is to fix the leaks.

FINANCE

- 12a) Public Defender (**Brian Muir**) - Receive presentation by Brian Muir regarding a possible in-house public defender department.

M09-173 Action: Direct staff to negotiate a contract in the amount of \$647,000

Hazard/Hunt, 5-0

Brian Muir: As directed by the Board on July 7th, Muir agendaized this item for further discussion. Creating an in-house public defender department would cost about \$818,000, and retaining the contract services would cost about \$647,000 the first year, with cost-of-living increases of about 2-3% in future years. The current public defenders have agreed to a three-year extension with cost of living escalators.

Board Members agreed that creating an in-house department was not economically feasible at this time. Pertaining to future cost-of-living increases, Board Members requested an annual report about the case load in order to justify the increases.

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BOARD OF SUPERVISORS

- 13a) State Budget (**Board Members**) - The Board of Supervisors may discuss issues pertaining to the California State budget.

Action: None

Geoff McQuilkin has been monitoring the possible closures of State parks. Some parks will close, but Mono and Bodie State Parks seem to be in a good position; a lot of public support has been shared with the legislature.

Supervisor Bauer: Some parks will close based on popularity and use; there will be a vote on Thursday about this issue. Bauer then read a list of other proposed spending cuts. The proposed budget is a stop-gap solution.

Supervisor Farnetti: The proposed budget will solve part of the problem, but the State will need to fix revenue shortfalls by increasing taxes. Fixing the budget issues will be an ongoing process.

Marshall Rudolph: Informed the Board that there will probably be litigation over taking of the highway tax money (HUTA). Evan Nikirk: The State has proposed taking 100% of the HUTA money this year and 70% next year, which will impact the County's road fund and will necessitate a \$600,000 allocation from the General Fund, or a layoff of County employees.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

COUNTY COUNSEL

Additional Departments: CAO; Finance

- 14a) Purchasing ordinance overhaul (**Marshall Rudolph**) - Proposed ordinance amending and repealing certain sections of chapter 3.04 of the Mono County Code pertaining to purchasing, and amending certain sections of the Mono County Code pertaining to informal bidding

M09-174 Action: Introduce, read title, and waive further reading of proposed ordinance.

Farnetti/Hunt, 4-1; Reid voted no

Marshall Rudolph: Even though the Board delegates authority to the purchasing agent, the Board retains power. Also, the purchasing agent always has discretion to take items to the Board. The purpose of delegating option powers to the purchasing agent is to improve efficiency. Rudolph summarized the proposed changes.

- Purchasing agent would be given authority to 1) lease property for County use, 2) contract to provide County services to third parties, and 3) accept donations given to the County.
- Threshold for formal bidding would change from \$15,000 to \$50,000; informal bidding requirements would change from purchases over \$7,500 to all purchases.
- Clarifications to expressly state powers that are currently implied: 1) authority to

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specify the form of documentation; 2) negotiate risk management issues; and 3) procuring services from certain professionals.

- Department heads are designated as assistant purchasing agents; they would only have authority to contract for services if authority is delegated by the purchasing agent.
- Spending authority for department heads: 1) equipment and supplies increase from \$7,500 per purchase to \$10,000 per purchase; 2) no spending authority for services unless delegated.
- Local preference would be given to bidders up to 5% higher than other bids. All bidders would know up front about the preference for local bidders.
- Definition of local bidder would include Mono County and Bishop.
- For informally-bid public works contracts, the CAO and PW director would have authority to approve change orders under \$25,000. Certain purchases made by Public Works would still require approve by the CAO.

Board Comments

- County Counsel has reviewed this issue closely and the changes will allow the process to work well; the Board ultimately retains power.
- Some concern about giving too much power to the CAO.
- Some concern about delegating more power over the public works informal bid process.
- Concern expressed about including Bishop in the local preference (Supervisor Reid). Other Board Members said some suppliers are not available in Mono County, believe competing bids from Bishop and Mono County would be infrequent, and it would be advantageous to support a business from Bishop rather than outside the area.

Rudolph: The Board retains total authority, and can redirect power back to the Board without having to amend the ordinance. Regarding public works contracts, they are governed by state laws and regulations. Currently the Public Works Director or CAO has authority to enter into informally bid contracts; the proposed change would give authority for the CAO or Public Works Director to approve change orders, which have to comply with state law. The amount of informally-bid contracts is under \$125,000; contracts above this amount go through the formal process and change orders come to the Board.

David Wilbrecht: These changes would help expedite the purchasing process, and would especially help expedite public works projects. Board Member's concerns could be addressed with regular reports from staff.

HUMAN RESOURCES

15a)

County Position Vacancy Review (**Robert Garret, Nancy Boardman, Jody Henning, Scott Burns, David Wilbrecht, Marshall Rudolph, Ann Gimpel, Beverlee Bryant, Lynda Salcido, Evan Nikirk, Ed Zylman**) - Receive presentation by Robert Garret and Department Heads with position vacancies regarding a review of current county position vacancies.

Action: The Board provided the following direction to staff.

- Animal Control: Move forward with the current recruiting and delay filling the second vacancy.
- Assessor: Move forward with hiring the manager position; eliminate the

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Appraiser IV.

- Community development: Delay hiring.
- CAO: Fill the position with the employee facing layoff in the Public Health Department.
- County Counsel: Retain temporary employee for now.
- Mental Health: Proceed slowly with the recruitment process; give Board an update before making a job offer.
- Probation: Continue with recruitment process to determine whether or not there are viable candidates by the time the budget hearings begin.
- Public Health: Proceed with recruitment but don't fill the position before reporting to the Board.
- Public Works: 1) During the budget hearings, reconsider filling the Road Maintenance Worker II-III position. 2) The Board agreed 4-1 to fill the Inventory and Purchasing Technician position (Supervisor Bauer dissented since Public Works faces many funding issues that may require help from the General Fund). 3) Delay filling the County Facility and Special Event Manager position for a minimum of three months; better define the position and clarify funding; bring this information back to the Board in August.
- Social Services: Continue with recruitment; report back to the Board once the State budget is adopted.
- Sheriff: Recruit for a new Public Safety Officer to meet needs in the jail.
- Asked Bob Garret to provide reports to the Board each month at its third meeting.

David Wilbrecht: This information is being presented to assist the Board with upcoming budget decisions. More information will be available as issues are clarified locally and at the State level.

Supervisor Reid: Asked for this discussion to be agendaized so the Board can make logical decisions about personnel issues.

Robert Garret: Reviewed the positions that are currently vacant; leaving them unfilled for Fiscal Year 2009-10 would result in a \$945,972 savings.

- Animal Control Officer (two): One vacancy due to resignation, and one new position approved in the 2008-09 budget.
- Appraisal Operations Manager and Appraiser IV: Positions created due to internal reorganization in the Assessors Office, which saved approximately \$64,000 in personnel costs.
- Community Development, Transportation Analyst I: Downgrade of Principal Planner saved approximately \$22,000.
- County Administrative Office, 50% FTS I, II, III, and County Counsel, 50% FTS I, II, III: The position was originally an FTS IV shared by the CAO, County Counsel and several other departments. Sharing did not work well; two part-time positions would be more effective.
- Mental Health Fiscal and Administrative Officer: New position in the 2008-09 budget 100% funded from the Mental Health Services Act (funding has been approved). This position would generate the billings for cost recovery.
- Deputy Probation Officer I, II, III: This is an existing position and has been vacant for

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several months.

- Public Health Nurse I, II, III: This is an existing position and has been vacant for several months. It is funded by a combination of categorical funding sources; so far funds for this position won't be cut.
- Public Works, three positions: 1) Road Maintenance Worker II-III (a new position in the 2008-09 budget intended to work in Crowley); 2) Inventory and Purchasing Technician; and 3) County Facility and Special Event Manager.
- Social Services Eligibility and Training Worker I, II, III: Existing position.
- Public Safety Officer (jail staff): PSO testing is set for the first week of August; currently paying overtime to cover this position. Annual cost with benefits is \$69,462.

Comments by Department Heads

- Animal Control: Required to follow mandates specified in the health and public safety codes. A shortage of staff is causing problems with coverage in the field, and is causing morale problems.
- Assessor: Currently interviewing for the Appraisal Operations Manager. The workload is heavy, including 225 upcoming assessment appeal hearings; this manager would organize staff workload to help increase efficiency. The Appraiser IV is not needed.
- Community Development: Can delay filling this position if the department continues to use temporary help. This position works on grants and helps at the counter.
- CAO: Part-time FTS I, II, II would be filled by an employee who would otherwise be laid off.
- County Counsel: A part-time FTS I, II, II would be the only support person in the office. Can delay hiring as long as continue using temporary help; having no office support would mean a shift of staff time away from legal work.
- Mental Health: Will need help with the conversion to the ECHO billing system; this position will be responsible for tracking receipt of revenues. It may take 3 months to fill the position.
- Probation: Currently doing a background check on a candidate; this position has been vacant since August 2008. Can leave the position vacant for the next three months, but would prefer continuing with the recruitment process.
- Public Health: This position has been filled with part-time help. It is difficult to hire for this position, and at this time someone has expressed an interest; can delay hiring until October 1. This position requires specialized training and a specific license, so unfortunately, the person facing layoff in the department can not perform these duties.
- Public Works: Can get by without the Road Maintenance Worker II-III, but the department won't be able to provide the expected level of service. The Inventory and Purchasing Technician is a critical position; the previous employee was promoted and is now juggling both jobs. The County Facility and Special Event Manager was created at mid year to better manage community centers and special events, and make programs function more efficiently; this is a critical position. Requested approval to fill the two critical positions; can wait until October to fill the Road Maintenance Worker. Brian Muir: Since the County Facility and Special Event Manager would help manage County risk, the position can be moved into Risk Management, which would allow the County to fully fund the position through the Trindell insurance program.
- Social Services: The Eligibility and Training Worker I, II, III won't be filled until late September or early October. The County will lose funding from the state and federal governments if the position is not filled.
- Sheriff: The Department has been at the same staffing level in the jail for the last 10 years, but the inmate population has increased significantly. The position has been vacant for a month; additionally, a temporary staffing shortage will occur while two people attend mandatory training.

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Board Comments

- If positions are not filled, current service levels will probably be maintained.
- A hard freeze for 3 months will save about \$311,000.
- Some of the vacancies impact public safety and generation of revenue.
- It is difficult to fill vacancies when other employees face layoffs. It is also difficult to hire people if they may have to be laid off later.
- The Board needs to maintain flexibility at this time, and needs to be cautious.

ADJOURN: 4:14 p.m.

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